

## Private native forest policies in New South Wales, Queensland, Victoria and Tasmania

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Received: 22 September 2006/Accepted: 11 April 2007/Published online: 11 May 2007  
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**Abstract** Private native forests in Australia perform a dual production and conservation role, providing an important source of timber, and complementing formal conservation reserves. A comparison of policies for private native forests in New South Wales, Queensland, Victoria and Tasmania illustrates the scope for timber harvesting, the provision for environmental values, and initiatives for responsible and sustainable forest management. The sustainable management of Australia's forests requires initiatives by both government and landowners to accommodate changes in community attitudes, new management strategies, integrated catchment management principles and both commercial and non-commercial opportunities for forest use. Of all of the Australian states, New South Wales has the most restrictive laws in terms of forest management and harvesting. Queensland and Victorian legislation have a more commercial focus, while Tasmania has a balance of both environmental and commercial objectives. The duty of care for private native forests is a responsibility that falls to the landholder, and while this should be enforced by legislation, the private provision of community benefits requires both recognition and reward. The presence or absence of incentives potentially determines the effectiveness of forest codes of practice.

**Keywords** Non-industrial private forest · Duty of care · Legislation · High grading

### Introduction

Australia's forest estate comprises a range of forest types and land tenures that require a variety of management approaches. In all states and territories, legislated procedures exist for native forests and plantations on private and public land that

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specify management plans or codes of practice for forest management and use. The past decade has seen increasing scrutiny focused on public forest management, and has resulted in substantial changes to the way in which the public forest estate is managed. The result has been a considerable decline in timber supplies from public native forests in recent decades and an increasing dependence on private land to maintain production of native hardwoods. This increase in demand has caused concern about the increased risk of *high grading* in private forests, leaving a growing proportion of low quality trees, which is likely to be detrimental to both future timber yields and environmental quality (Thompson et al. 2006).

Forest policy is a continuing negotiation process between governments and society and often does not follow logical structures and does not end with the formulation of a widely accepted forest management strategy. This paper discusses the relevant policies and legislation that currently have a direct effect on the management of private native forest (PNF) in Australia. As the NSW government is in the process of developing a new code of practice, this paper refers to the Draft Code of Practice for Native Forestry (DNR 2006) as exhibited in August 2006 under the *Native Vegetation Act 2003* (NVA). This review also summarizes the legal frameworks, which regulate private native forestry within New South Wales, Victoria, Queensland and Tasmania, and compares the policies that govern native forest management. The national and individual state policies are first explained, and then compared to determine which state's legislation is most effective in terms of balancing economic, environmental and social values.

## Private Native Forest Policy in Australia

Under Australia's federal constitutional, the governments and parliaments of the States have principal responsibility for the management of forests. All States and Territories have formal requirements for a periodic review of forest-related planning processes for all public managed forests and a variety of mechanisms exist for vegetation management in private forests. The National Forest Policy Statement (NFPS) (Commonwealth of Australia 1992) provides a basis for coordinating these overlapping responsibilities. The NFPS reflects Australia's commitment to the UNCED Statement of Forest Principles and the Forests chapter of Agenda 21, and expresses a vision of the Australian government to manage private forests in close cooperation with public forest managers and to complement the conservation and commercial objectives of public forests. The vision encompasses 11 broad national goals that include conservation, wood production and industry development, plantations and private native forests. One of the key outcomes of this policy was the development of the Regional Forest Agreements.

A Regional Forest Agreement (RFA) is a 20-year intergovernmental agreement about security of access to forest resources and the conservation of environmental, heritage and social values (Lane 1999). RFAs aim to provide a comprehensive, adequate and representative forest reserve system (JANIS 1997), and to ensure ecologically sustainable management of forests outside the reserve system. This reserve system seeks to maintain

- Ecological processes and the dynamics of forest ecosystems and their landscape context;
- Viable examples of forest ecosystems and populations of native forest species throughout their natural ranges; and
- Examples of the genetic diversity of native forest species.

This was to be achieved through the ‘Nationally Agreed Criteria for the Establishment of a Comprehensive, Adequate Representative Reserve System for forests in Australia’ which required reservation of at least 15% of each forest type existing before European arrival, at least 60% of remaining old growth forest, and at least 90% high quality wilderness (JANIS 1997). The RFA processes in several states have seen a large reduction in the volumes of timber harvested from the public estate. This has increased the importance of PNF as a source of log supply to industry in many forestry regions (Thompson et al. 2006).

## Legislation and Regulations for PNF in New South Wales

There has been a substantial increase in the importance of private native forestry in the state of New South Wales (NSW) because of the transfer of many former State Forests into the National Park estate. Since signing of the NFPS there has been an increasing demand for timber from private native forests, and the growing social concern for sustainable management of forests has led to increasing government regulation over PNF.

PNF activities in NSW are currently subject to several acts including the *Threatened Species Conservation Act 1995*, the *Protection of the Environment Operations Act 1997*, and State Environmental Planning Policies (including SEPP 26 Littoral Rainforest and SEPP 44 Koala Habitat). Currently PNF exemption under the NVA is an exemption carried over from the previous *Native Vegetation Conservation Act 1997* (NVCA). Development consent is required for timber operations on State Protected Land, this being land generally over 18 degrees in slope, riparian land and sensitive land. PNF outside State Protected Land operating sustainably or for timber production does not require such consent (NSW Government 2007). However, the main instrument regulating PNF in NSW is the NVA.

Removal of native vegetation from private land is regulated by the NVA. This Act regulates the clearing of native vegetation of all land in NSW except for national parks, state forests and urban areas. The stated aim of this Act is ‘to encourage and promote the management of native vegetation ...’, ‘to prevent broadscale clearing ...’, ‘to improve existing native vegetation ...’, and ‘to encourage revegetation ...’ (NVA, s. 3). However, the Act defines *clearing* to include thinning, logging, poisoning and burning native vegetation, and defines *broadscale clearing* as the clearing of any native vegetation that originated before 1990 (or 1983 in western NSW). The key objective of this Act is for any activity to pass the ‘maintain or improve’ test, which is designed to achieve sustainable forest management.

Harvesting of timber from private native forests requires the owner to obtain either a Property Vegetation Plan or development consent, both of which seek to ensure that environmental outcomes are ‘improved or maintained’. The Native Vegetation Regulation 2005 outlines the requirements, exclusions and conditions of the NVA.

The development of a Code of Practice for PNF dates back to 1993. The Office of Natural Resource Policy was to develop a code in conjunction with the forestry industry. When the labour government came into power in 1995, consultation was ceased and SEPP 46 was introduced. SEPP 46 was replaced by the *Native Vegetation Conservation Act 1997* (NVC Act) and the provisions carried over for PNF into the Act. All exemptions in the NVC Act were reviewed by three separate committees. A PNF advisory group was formed to implement the findings, and developed the exemption operating protocol and forestry operating standards for PNF. These were released for public comment and a report was prepared for parliament with a number of recommendations. However, both the environmentalist representatives and the then National Parks and Wildlife Service (NPWS) would not support the report.

The NVA came into place in 2003, together with legislation that set up the Catchment Management Authorities (CMA), Natural Resources Commission (NRC) and Natural Resources Advisory Council (NRAC). Changes to the *Threatened Species Conservation Act 1995* allowed the Minister for the Environment to give any legislation or process Biodiversity Certification, thus limiting the *Threatened Species Conservation Act* (Department of Environment and Conservation 2005).

The Minister reformed and expanded the PNF Working Group in 2003. A draft code was developed based on the exemption operating protocol and forestry operating standards. The working group could not reach agreement, so the matter was referred to NRAC. NRAC could not reach agreement so the government finalised the draft code of practice, and briefly exhibited this draft code in 2006. The intention of the new code was to streamline the policies and regulatory environment and make management of native forests simpler and easier to implement. However, strong public opposition to the draft code led to its withdrawal soon after release for public exhibition. The NRAC has been charged with the task of preparing a new code (NSW Government 2007), with the current exemption for sustainable forest management continuing to apply until 30 June 2007.

The draft forestry code of practice is not structured to provide incentives to private native landowners; the policy structure is one of penalties for non-compliance, which are regulated by the Department of Natural Resources. There is however some funding specifically for private native forest landowners, allocated by local Catchment Management Authorities, although this is not a primary focus of this organisation.

## Legislation and Regulations for PNF in Queensland

The legislation regulating native forest practice on freehold land in Queensland is structured as a code promoting the forestry industry as a business. Private native

forests are a highly important part of the Queensland timber industry because they supply more than half of the total native hardwood harvest and almost one quarter of the total native Cypress harvest. The regulatory system, which deals with private native forest in Queensland, is the code of Native Forest Practice 2005, which places restrictions on forest practices under the *Vegetation Management Act 1999* (VMA). The code itself is easy to understand and allows the landowner great flexibility in managing the native forest. The policy strongly focuses on commercial timber production rather than sustainable management of biodiversity and ecosystems.

Private native forest activities are currently subject to various requirements including those under the VMA, and Schedule 8 part 1 of the Integrated Planning Act 1997. The Environmental Protection Act 1994 and The Environment Protection and Biodiversity Conservation Act 1999 are among 11 other pieces of legislation, which are linked to this code. In Queensland it is the landholder's responsibility to check with relevant authorities including local councils to make sure no other laws apply.

A new Code of Practice for Private Native Forests in Queensland came into effect on the 1st December 2005 and outlines requirements for harvesting, regeneration silviculture, maintaining wildlife habitat, and for the protection of streams, drainage lines and adjacent vegetation. Under the code, forest practice is defined as 'planting trees or managing, felling and removing standing trees, on freehold land for an ongoing business in a plantation or native forest'.

Forest owners must conduct activities consistent with a code applying to native forest practice. Under the code, permitted silvicultural activities are defined as 'non-commercial thinning of regeneration, commercial and non-commercial thinning of mid and upper storey trees, use of fire to manage regeneration, limited soil disturbance to encourage regeneration and removal of competing non-native vegetation'. Where there is no code, all activities must ensure restoration of a similar type and to the same extent as the removed trees. Trees may only be felled for the purpose of sawing into timber or processing into value-added products, excluding woodchips for the export market. The code ensures that these practices do not cause land degradation as defined in the VMA 1999 and do permit associated works (road construction and maintenance); initial clearing for plantation establishment is prohibited.

The VMA 1999, under which this code resides, requires the landowner to notify the Department of Natural Resources, Mines and Water (NRMW) prior to clearing. It is therefore the landholder's responsibility to inform NRMW of the location of any native forest practice. The NRMW will prepare a Property Map of Accessible Vegetation (PMAV) for the area where practices are to occur. Whilst a landholder is waiting for their PMAV they may conduct forest harvesting practices. This plan is produced at no cost to the landholder and is valid until notification is given that forest operations have ceased. The PMAV operates in place of the regional ecosystem and remnant maps, and for non-remnant vegetation a separate application must be made to NRMW.

The Queensland Government has provided a financial assistance package with funding of \$150 M over 5 years to help landowners adversely affected by the changes in tree clearing laws. This is broken down into three specific areas:

- \$130 M to help landowners build up existing enterprises or establish new businesses on the land or when it is no longer viable to purchase further land.
- \$8 M to promote best management practice in agriculture, including property management planning.
- \$12 M for incentives which support landowners to maintain and manage native vegetation, including regrowth, as part their operations.

## Legislation and Regulations for PNF in Victoria

About 66% of Victoria's native vegetation has been cleared. Of the remaining 8 M ha, 1.3 M ha are located on private land (Commonwealth of Australia 2005). Victoria's forests are of major importance at a local, regional, state and national level.

Public and private land in Victoria are governed by different legislation; however, the Code of Forest Practices for Timber Production is a key regulatory instrument that applies to commercial timber production on both public and private forests in Victoria. Compliance with the code is required under the *Sustainable Forests (Timber) Act 2004* and the Victorian Planning Provision. Management of Victoria's private native forests is governed by eight pieces of commonwealth legislation, 31 State Acts, seven regulations and 10 policy statements. These legal instruments have relevant provisions binding and supplementing each other, and are subject to change over time. Despite the seemingly over-exhaustive legal instruments put in place, only some of them specifically deal with private native forest comprehensively. These include the Victorian Planning Provision: A Framework for Action (2002), the *Water Act 1989*, *Catchment and Land Protection Act 1994*, the *Country Fire Authority Act 1958* and the *Planning and Environment Act 1987*. There are also local planning provisions and regional catchment strategies prepared by Catchment Management Authorities.

The Victorian Code of Forest Practices for Timber Production was introduced in 1989 to manage regeneration operations for timber production stands and harvesting of the forest resource for timber production. Up to 1996 the code only covered timber production in state forests. The code was revised in this year to cater for new provisions relevant to updated knowledge and experience, which include the management of native forest on private land.

The code of practice is designed in a way applicable for private native forestry and it clearly defines the appropriate measures relevant to the protection of environmental values. The emphasis on environmental protection covers privately owned land. The only exemptions made are the land described as agroforestry, windbreaks or amenity planting, small plantations or woodlots less than 5 ha in area, and plantings that are demonstrably non-commercial in nature. The code also exempts revegetation operations conducted for the purpose of erosion and salinity control.

The requirement that forest owners prepare a Timber Harvesting Plan for private native forest, as stipulated in the code, is designed to minimise or prevent excessive

environmental damage. Similar measures exist for establishing and tending of timber production stands. This reflects the perception that both operations may cause environmental damage. The timber harvesting plan is a critical requirement to take into account environmental damage. In regards to most ground-level operations in private native forest, the effectiveness or strength of the Code of Practice very much depends on the quality of the timber-harvesting plan.

The Victorian code has comprehensively included all the issues that may result if timber harvesting plans are not put in place. The environmental values considered include: concerns for water availability and quality of water; protection of landscape features of environmental and cultural significance; protection of habitat and threatened species requirements; drainage feature protection; construction and road maintenance; and construction and maintenance of forest infrastructure, log landings, portable mill sites and sing tracks.

The Victorian government introduced a plantation incentive strategy, setting aside a \$9 M fund for private forestry over a 4-year period. The plantation incentive strategy will encourage investment for larger-scale plantations on land that will provide greater benefit to the grower and to the broader community. This is a shift from the previously small-scale farm-based projects to medium-scale with the backup funding coming from the state government. There is no mention that this incentive strategy will also benefit private native forest management.

## Legislation and Regulations for PNF in Tasmania

Forests in Tasmania currently cover about 48% of the state, with 29% of this area comprised of private forests. Native forest makes up most (91%) of the private forest estate. It is estimated that the availability of hardwood sawlog from private estates will remain at 250,000 m<sup>3</sup> per year for the next 10 years (Private Forests Tasmania 2005).

The *Forest Practices Act 1985* initiated another body responsible for the development and management of private and public forests, the Forest Practices Authority, which is responsible for the development and implementation for the Forest Practices Code. Evolving from the *Private Forest Act 1994*, Private Forests Tasmania (PFT) is a government department that promotes sustainable use of the state's private forests. PFT is responsible for advising the owners of private forest estates on issues such as sustainable management, the use of trees in land management and market development. The most recent version of the code, Forest Practices Code 2000, covers all areas of forest management and applies equally to both private and public land (Department of Infrastructure, Energy and Resources 2006).

The objective of the Forest Practices Code is to achieve sustainable management of Crown and private forests with due care for the environment. The forest practices system is set up in a manner that is self-funding. The code requires self-regulation and decentralises approvals of forest practice plans and other forest practice matters. The plan seeks to provide practical standards for forest management and practices including harvesting. The code also allows for consultation, land rehabilitation, and

an independent appeals process, and gives security to private landholders through the declaration of private timber reserves.

The code of practice specifies the requirements for forest practices plans (FPP) on both private and public land. The plans provide guidelines for the protection of the environment and ecosystems, sustainable use of resources and aesthetic values. It does not consider safety or economic aspects of the forestry operation. A FPP must be drawn up before any harvesting can be done in a forest, and must take into account likely threats to the environment including to flora and fauna, soil and water, landscape and cultural values. These aspects are incorporated into all areas of harvesting, including coup design, access, machinery selection and seasonal allowances for wet and dry conditions.

The Forest Practices Code 2000 recognises the importance of conservation and environmental diversity. It stipulates that the owners of private forest estates have a ‘duty of care’ to provide some environmental services as a normal part of land management. This duty of care obligation may involve up to 5% of the land area, on which forest operations are totally excluded. For reserved areas that are to be partially harvested the total area is increased by a further 5%. For any additional land that is reserved for the provision of environmental services the owner of the land is able to seek compensation because they are reserving areas beyond their duty of care and the conservation is deemed to be for the benefit of the community.

*Private timber reserves* allow for security for private forest owners. The declaration of a forest as a private timber resource under the *Tasmanian Forest Practices Act 1985* allows for the exemption of operations from local planning requirements or interim orders that have been created under the *Land Use Planning and Approvals Act 1993* (Private Forests Tasmania 2005). The declaration of an area of private native forest as a private timber reserve provides the forest landholder a sense of security in the future availability of timber for harvesting. This declaration does not however give the state security in the amount of timber available to future markets, because the landholder is not obligated to harvest this area. Forest values and protection can be monitored and to an extent controlled through this process because any area harvested in a private timber reserve is required to be regenerated as a forest. This provided security is an incentive for landholders to maintain their forests to a level deemed acceptable for a private timber resource.

## Comparison of Policies between States

The various state policies which deal with private native forestry may be compared in terms of their objectives, monitoring, compliance, workability and weaknessess. Of all of the states, the New South Wales draft code of practice is the most restrictive in terms of forest management and harvesting. NSW is heavily focused on environmental objectives and there is little emphasis in the draft code on the importance of the contribution of private native forests to the NSW timber industry, and no mention about flooding, wildfire or weed management.

The following table summarises the issues discussed in this section. It highlights the differences, strengths and weakness of each state. (Table 1).

The objectives outlined in Queensland and Victorian legislation have a much more commercially driven focus. Victorian legislation in relation to fire management in private native forestry is linked with public forest management. Fire management is only mentioned under guidance and cites seasonal restrictions and fire protection restrictions with referrals to the Code of Practice for Fire Management on Public Land 2006 and *Country Fire Authority Act 1958*. Queensland Forest Practice Code applying to freehold land does not mention fire management, although the state does have a fire policy. In 1990 the fire service act was proclaimed creating a single state wide Queensland Fire Service incorporating the Rural Fire Division. Further information can be found under the Queensland Fire and Rescue Service Act 1990. In both states, there are no objectives in place to manage the problems of weed control and the extensive devastation that weeds can cause to native vegetation.

Tasmania achieves a balance of both environmental and commercial objectives for private native forests. The code refers readers to other documents, providing a range of reference materials that landholders are obliged to consult. The code encourages individual site assessment as opposed to a blanket rule for all sites.

The regulations for monitoring and compliance in Queensland, Victoria and Tasmania rely on a self-regulating framework. In Queensland and Victoria the responsibility falls to the landowner, whereas in Tasmania the landowner, major logging contractor and processor are all signatories to the FPP and are equally accountable. Although policy in New South Wales also relies on mutual obligation, there are more restrictions and penalties for code violations. In NSW the Department of Natural Resources reviews and analyses property vegetation plans on the basis of perceived risk, and landholders must have plans, which must be available for inspection and auditing.

Legislation for private native forestry is specific to each State. All states have developed a legislative Act, and a Code of Practice which is administered by a government department. New South Wales and Queensland have Codes of Practice exclusively covering private native forests, whereas Victoria and Tasmania have codes that are inclusive of both private and public native forest.

The Code of Practice governing private native forestry in New South Wales does not use an incentive approach to encourage the responsible management of private forests. There is however a small financial package set aside to assist those landowners who are adversely affected by the new code, administered by the catchment management authorities. The primary role of these agencies forest administration and this support mechanism is not stipulated in the code.

Victoria funds plantation development rather than management of private forest. Although legislation exists to discourage conversion of native forest to plantations without a permit, the availability of funds for plantations could stimulate clearing by private landholders in search of funding. To eliminate this perverse incentive, the Victorian government must offer similar incentives for private native forest management.

In Queensland, the state government has allocated a financial assistance package that includes \$12 M for incentives to support landowners in the maintenance and

**Table 1** Comparison of policies in New South Wales, Queensland, Victoria and Tasmania

State	Codes of practice	Objectives	Structure of policies	Monitoring and Legislation compliance	Regulations	Incentives	Applicability
NSW	Draft Code of Practice for Private Native Forestry	To give landowners and industry long term security cost saving and the opportunity to improve forest productivity.	Establish standards which protect soil and water quality, ecosystems, forest landscape features and threatened species habitats	Highly prescriptive and detailed reporting of operations and environmental conservation.	Native Vegetation Act 2003	Application to private native forest only A blend of regulatory strategies Limited stakeholder involvement	No tax incentives Compensation to encourage the adoption of the proposed regulations Can't touch the land but landowners still pay rates Refining the Old Growth definitions is an issue Repetitive and wordy (jargon) difficult to approach. Forest management is dealt with a 'One Brush Approach' No reference to fire management

Table 1 continued

State	Codes of practice	Objectives	Structure of policies	Monitoring and compliance	Legislation	Regulations	Incentives	Applicability
QLD	New Vegetation Management Forest Practice Code.	Demonstrating that the forest practice is for an ongoing forestry business Harvesting regeneration and silviculture and maintaining wildlife habitat Protection of streams drainage lines wetlands lakes, springs and vegetation from the impacts of forest practice Protection of the soil resource from the degradation due to forest practice Managing the forest practice to ensure no adverse impacts from acid sulphate soils occur. Conserve remnant endangered regional ecosystems manage their environmental effects of clearing and reduce green house emissions.	Very broad framework Many other acts where laws may apply which are not regulated under the Vegetation Management Act Other laws hold various exemptions Self regulating Must inform NRMW No auditing required No public register Vegetation Management Act No weed precaution and no reference to fire management	Vegetation Management Act 1999 Private Native Forest and Plantation only Plantations do not need to notify NRMW Public under separate regulations Required property map of assessable vegetation without management plans or harvesting plans Upon approval all future practice activities will apply until applicant gives notice that the forest practice has ceased	Application to Private Native Forest and Plantation only \$150 million financial assistance package and incentive	Broad scale clearing still allowed until 2007 Broadly defined outcome and practices, broad frame work with reliance and accountability on landowner. Minimal prescriptions and limited criteria to implement code, very general environmental practices stipulated Required property map of assessable vegetation without management plans or harvesting plans Very much orientated in favour of the landowner to maintain the native forest as a long term business		
							Too general, no accountability, no limitations on repeated harvesting	

Table 1 continued

State	Codes of practice	Objectives	Structure of policies	Monitoring and compliance	Legislation	Regulations	Incentives	Applicability
VIC	Draft Code of Practice for Timber Production 2006	Provide direction to Forest managers and operators of both Private and Public native forestry	Applies to both public and private land Most of the operational goals and mandatory actions apply equally to public and private land	Need to modify prescriptions as required Self regulation; municipalities responsible for monitoring compliance	Planning and Environment Act 1987	Application to Public and Private land Appropriate synthesis of regulatory strategies	No incentives Good use of illustrations to make points clearer to the reader	Lack of incentives decreases the workability Good use of illustrations to make points clearer to the reader

Table 1 continued

State Codes of practice	Objectives	Structure of policies	Monitoring and compliance	Legislation	Regulations	Incentives	Applicability
TAS Forest Practices Code 2000	Emphasis on self regulation Planning before forest operations Delegated and decentralised approvals for forest practice plans and other forest practice matters A code which provides practical standards for forest practices, timber harvesting and other forest operations Emphasis on consultation and education Provision for land rehabilitation where the forest practice code is contravened Independent appeals process Ensure security of forest resources for land holders through declaration of private timber reserves	General Principles outline the desired outcomes and aims Basic Approach Must submit 3 year plan if harvesting over 100 000 T/yr Reduction of quotas or cancellation of contracts used as disciplinary measures for misdemeanours Designed to be a 'one stop shop' the Forest Practices Board, prosecution for serious infringement or where self regulation is inadequate	Self regulated approach with independent auditing and internal monitoring using ISO14001 Forest Practices Act 1985 Forest Practices plans are required for all operations that involve roading, harvesting and reforestation	Forest Practices Act 1985 Forest Practices Code applies to private and public land	Code covers both native and plantation forests Fire management plans should be prepared for all areas of commercial forest of 50 ha where applicable weed control needs to be included in management plan	Exemption from local planning tribunal incentive to register privately owned forests as a 'private timber resource'. Compensation is paid to landholders who reserve more than the specified percentage of their beyond their 'duty of care' land as this is seen as a public service	Use of language and illustrations in the code that makes it accessible to many Good scientific background has lead to less restrictive code Public input and review Regular independent review

This table compares the states under seven specific categories: objectives, structure of policies, monitoring, compliance, legislation, regulation, incentives and applicability

management of native vegetation, including regrowth, as part their farming operations.

Tasmania provides the most effective type of incentive, which encourages landowners to manage their forest assets as a business. Incentives in the form of compensation are provided when land is reserved as conservation areas, because these are deemed to be of benefit to the community. The retention of land for conservation serves both to ensure ecosystem biodiversity and to encourage a high standard of forest stewardship by landholders. The compensation offered is in the form of a \$300/ha one-off payment. However, the effectiveness of a one-off payment as opposed to continuing support for the maintenance of private native forests is questionable.

The draft code of practice in NSW is designed to protect large areas of privately owned land from over-clearing or high grading. It also satisfies a political need to reassure the growingly concerned public over the conservation of biodiversity and habitat. On the other hand, the nature of the regulations, especially in relation to protected ecosystems and species, may lead to illegal operations on private land and the elimination of species that would otherwise limit the productive capacity of the property.

In Queensland the code which governs private forest practices is very broad and does not contain many prescriptions. It relies on the landowner to use best management practice to manage responsibly native forest for long-term productivity, but does not stipulate how this should be done. The code is focused on the commercial aspects of forest management and has few prescriptions to protect environmental values. Under this code broadscale clearing has been allowed to continue until December 2007 (under a ballot system) and harvesting is still permitted in rainforest areas. Of all of the codes, this is the easiest to read. It requires little cross-referencing, has few tables and is set out in a user-friendly style while still promoting native forestry as a resource.

The management of private and public forestry in Victoria comes under a single code of practice. The code is designed in a way applicable to private native forestry and it clearly defines the measures appropriate to the protection of environmental values. However, the terms ‘should’ and ‘could’ are used frequently in the code which has the potential to make the requirements subjective. The code of practice which regulates private forestry in Tasmania is user-friendly, incorporating straightforward language and illustrations. The code has been developed through extensive science-based research, public review and a long history of forest management.

Codes of practice in all states suffer from a lack of attention to the nature and consequences of forest dynamics. However, the current code in Tasmania may be the best example of contemporary ways to maintain and promote environmental values and a viable timber industry.

## Conclusion

The overview of forest policies in Australian eastern states shows that management of PNF is highly controversial and fails to take sufficient account of forest

dynamics. Restrictive policies that offer no private benefit do not promote environmental stewardship. There is a strong case for establishing incentives to reward landowners for their duty of care. In this way, the PNF codes will foster land use practices that complement conservation initiatives on public land while maintaining the contributions of PNF to the Australian timber industry.

The proposed private native forest code for NSW and Queensland's private native forest code are focused on the political management of forestry rather than the management of the forests themselves. Queensland's code, with its major focus on timber and lack of incentives for responsible environmental management, is the least beneficial to the environment. Schemes are in place to encourage landowners to continue to contribute to the industry or if unable to do this provide support to develop new business opportunities. Little financial support or incentives are offered to protect the biodiversity of native private forests. Victoria displays a comprehensive structural framework; however, the language of the code makes its interpretation highly subjective. The incentives in the PNF code are plantation-oriented and therefore discourage sustainable and responsible use of native forest resources. Tasmania's native forestry code presents the best management practice in the forestry industry, and bestows the best equilibrium to all stakeholders. Through compensation schemes the code provides a balance between objectives by rewarding landowners who set aside land for conservation values. It still supports and promotes the contributions derived from the native private forest on the local timber industry.

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